

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CR. No.: 1:07cr183-WKW
)	
RICKEY RANDELL WREX SMITH)	

UNOPPOSED MOTION FOR MENTAL COMPETENCY EXAMINATION

NOW COMES undersigned counsel, Kevin L. Butler, and respectfully requests this Court to enter an order directing the United States Marshals Service move Mr. Smith into the custody of a Bureau of Prisons Medical Center for the purpose of a competency examination by one or more qualified psychiatrists, pursuant to 18 U.S.C. § 4241. In support of this Motion, the Defendant states:

1. Mr. Smith is charged in a complex case with multiple offenses related to the production, possession and distribution of child pornography. If convicted, he is facing a possible sentence of life in custody.
2. Mr. Smith is in the custody of the Missouri Department of Corrections and has been brought to this district to answer the charges pursuant to a writ of habeas corpus.
3. Undersigned counsel has learned that while in the Department of Corrections, Mr. Smith was receiving psychotropic medications and was also receiving psychiatric care and counseling. Additionally, while present in this district, he has been “hearing voices” which have told him to file *pro se* pleadings. The voices are also antagonized by the possible life sentence Mr. Smith could be facing.
4. It is undersigned counsel’s good faith belief that Mr. Smith is not presently competent to proceed forward with trial. Though he has a limited understanding of the proceedings, he

presently can not assist counsel in the preparation and presentation of his case/defense.

5. Therefore, it is in the interest of justice to stay further proceedings in this matter and have the Federal Bureau of Prisons conduct a competency examination of Mr. Smith.
6. Counsel for the government, Nathan Stump, does not oppose this request and affirmatively requests a mental health evaluation.
7. This will also assist the Court in evaluating potential culpability issues and potential sentencing issues.

WHEREFORE, the Defendant prays that pursuant to 18 U.S.C. § 4241(a) and (b) this Motion be granted and the court designate Mr. Smith to the custody of the Federal Bureau of Prison for the purpose of a competency evaluation.

Dated this 5th day of December, 2007.

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138

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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Nathan Stump, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,

s/ Kevin L. Butler
KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138